



DPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:
KIRK PRICE ET AL.

Serial No.: **10/673,871**

Filed: **29 SEPTEMBER 2003**

For: **METHOD FOR ASSEMBLY
LEVEL DISK ERASE**

§ Attorney Docket No. **HSJ920030184US2**
§
§
§ Examiner: **VARSHA A. KAPADIA**
§
§
§ Art Unit: **2651**
§

SUBMISSION OF TERMINAL DISCLAIMER

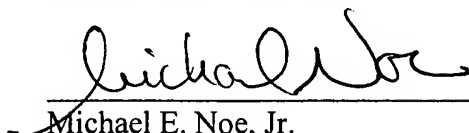
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to an Office Action dated July 5, 2005, with a shortened statutory period ending October 5, 2005, Applicants submit a Terminal Disclaimer along with the required fee for filing same.

Please charge the Terminal Disclaimer fee under 37 C.F.R. 1.20(d) of \$130.00 to **HITACHI Global Storage Technologies' Deposit Account No. 50-2587.**

Respectfully submitted,



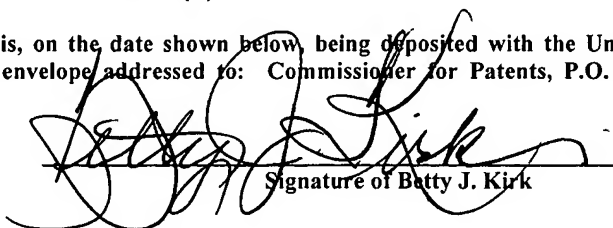
Michael E. Noe, Jr.
Registration No. 44,975
BRACEWELL & GIULIANI LLP
P.O. Box 61389
Houston, Texas 77208-1389
(512) 542-2135
ATTORNEY FOR APPLICANT

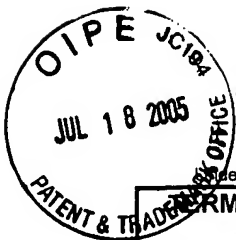
**CERTIFICATE OF MAILING
37 CFR 1.8(A)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 12, 2005

Date


Signature of Betty J. Kirk



PTO/SB/25 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) HSJ920030184US2
--------------------------------------------------------------------------------------------------------------------------	---------------------------------------------

In re Application of: KIRK PRICE ET AL.

Application No.: 10/673,871

Filed: SEPTEMBER 29, 2003

For: METHOD FOR ASSEMBLY LEVEL DISK ERASE

The owner*, HITACHI GLOBAL STORAGE TECHNOLOGIES, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/673,600, filed on September 29, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

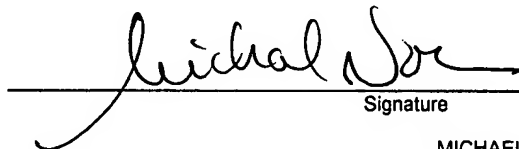
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 44,975


Signature

JULY 12, 2005

Date

MICHAEL E. NOE, JR.

Typed or printed name

(512) 542-2135

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/19/2005 SFELEKE1 00000014 502587 10673871

01 FC:1814 130.00 DA